

INDIAN CONSTITUTIONAL PROVISIONS OF WEAKER SECTIONS IN INDIA

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ABSTRACT

This study aims to examine the impact of the Indian Constitution's provisions on the upliftment and empowerment of the weaker sections of society in our country. It seeks to promote socio-political justice for these communities in India. The findings of this research are expected to contribute to improving the lives of marginalized groups. The study emphasizes that a true welfare state is one that actively looks after the well-being of all its citizens. It argues that economic growth should not result in the concentration of wealth among a select few but should serve the common good. The study believes that economic growth does not mean the concentration of economic benefits in the hands of a few people in the community but should aim at the common good. This paper describes how the Indian Constitutional provision has seriously assured all its citizens justice-social, economic, and political; liberty of thought, expression, belief, faith, and worship; equality of status and of opportunity; and promoted among all communities assuring the dignity of the individual and the unity of the nation, especially the weaker sections of the people. The study highlighted that the provisions of the Indian Constitution have endeavored to adapt the specifically differing rights like socio-economic justice and individual liberty and fundamental rights by putting some relevant provisions for the empowerment of the weaker section in the

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country.

KEYWORDS: *Empowerment, Marginalized, Emphasizes, Community.*

Introduction:

The Indian Constitution addresses nearly every aspect of life, aiming to ensure social, educational, economic, and political equality for all citizens. While the Constitution aspires to provide impartial treatment and equal opportunities, a significant section of the population continues to lag behind the more advanced segments of society. It guarantees all citizens justice - social, economic, and political; liberty of thought, expression, belief, faith, and worship; equality of status and opportunity; and seeks to promote fraternity while ensuring the dignity of the individual and the unity of the nation, with particular emphasis on uplifting the weaker sections. However, the implementation of the reservation system has sparked ongoing debate. The current framework benefits individuals from certain constitutionally recognized castes, sometimes regardless of their present social or educational advancement. This has led to concerns that individuals from non-reserved or so-called forward castes may face disadvantages, even when they may demonstrate higher merit in certain contexts. These complexities raise important questions about how best to achieve genuine equality while preserving the spirit of justice envisioned by the Constitution. The Constitution of India through the various principles laid down in it covers almost every aspect of life. The main object of the framers of the Constitution was to ensure social, educational, economic & political equality among the people. However, the Constitution aims to create impartial treatment for all citizens, but even then, a large portion of citizens are far behind the advanced segment of society. The present system of reservation benefits people belonging to certain randomly listed castes and places them on a superior level irrespective of the present social and educational status of individuals of those castes. Persons belonging to the so-called forward castes are discriminated against even if they are better in terms of merit than those belonging to the Backward Classes.

History of Constitution of India: The Constitution of India is the supreme law of the country and is renowned worldwide for its comprehensiveness and depth. It lays down the framework that defines the fundamental political principles, structure, procedures, powers, and responsibilities of various government institutions. It also enshrines the fundamental rights, directive principles of state policy, and the duties of citizens. Notably, it is the longest written constitution of any country in the world. Dr. B.R. Ambedkar, widely regarded as the chief architect of the Indian Constitution, served as the chairman of the drafting committee. The Constitution was adopted on November 26, 1949. While some provisions came into effect immediately, the remaining provisions were enacted on January 26, 1950, a date now celebrated annually as Republic Day and officially recognized as the Constitution's commencement date.

Objectives of the Study:

1. To study the various provisions of Rights in the Constitution of India for the social justice of weaker sections of the people in India.
2. To study the Indian constitutional provisions for the protection of weaker sections of the people in the country.
3. To analyse the various measures of safeguards for weaker sections of the people in India.

Research Methodology:

This present study is mainly based on secondary sources of information. It has been collected from books, published and unpublished theses, reputed journals, articles, internet, government publications, and newspapers, etc.

Provisions of Rights in Constitution of India Social Justice and Liberty: The Indian Constitution has attempted to reconcile socio-economic justice, individual liberty, and fundamental rights by enacting relevant provisions for the empowerment of weaker sections in the country. They are:

- Article 19 safeguards the fundamental rights of citizens in a country. It comprises seven sub-clauses that guarantee seven different kinds of freedom to citizens. These freedoms are recognized as the fundamental rights of citizens. It provides a

rational basis for balancing the claims of individual rights of freedom and the claims of the public good. In essence, Article 19 is a comprehensive and satisfactory framework for ensuring the rights of citizens.

- Articles 23 and 24 reveal the fundamental rights against exploitation. Article 24, in particular, prohibits an employer from employing a child below the age of 14 years in any factory or mine or in any other hazardous employment.
- Article 31, it has made a specific provision about the fundamental right to property and deals with the vexed problem of compulsory achievement of property.
- Article 38 requires the state to make an effort to promote the welfare of its people. This should be done by securing and protecting a social order in which justice, social and economic, as well as political principles, inform all national institutions.
- According to Article 39, it is the responsibility of the public to ensure that the legal system operates in a way that promotes justice and equal opportunity. To achieve this, suitable legislation should be put in place to provide free legal aid to citizens, and no individual should be denied access to justice due to economic or other limitations.
- Article 41 ensures the right to work, education, and public assistance for all residents, including those who are unemployed, elderly, sick, disabled, or otherwise in need.
- Article 42 stresses the importance of ensuring fair and humane working conditions, as well as maternity relief.
- As per Article 43, it holds before the working population the ideal of a living wage.
- Article 46 emphasizes the importance of the promotion of the educational and economic interests of scheduled castes, scheduled tribes, and other weaker sections.

Major Safeguards to Weaker Section: In present periods, more forcefully in the direct contemporary context, safeguards/empowerment of weaker sections has become a saying for political leaders, policymakers, academicians, social activists, etc. Strengthening the weaker segments builds up its accreditations by

empowering the neighborhood individuals to take part in the basic leadership process at a grassroots level.

Economic Safeguards: The constitutional provisions of Articles 23, 24, and 46 form part of economic safeguards for SCs and STs. Article 46 states that the state shall ensure with special care the educational and economic life of weaker sections of the population and in particular, SCs/STs, and shall protect them from social injustice and all forms of exploitation. It is in pursuance of this article that special development programmes for extending educational opportunities to SCs and STs have been taken up.

Educational and Cultural Safeguards: This safeguard also relates to improving the weaker sections of the population in the country. Article 15 (4), states that the State is to make special provisions for the merit of any socially and economically backward classes and for SCs/ STs. The provision has enabled the State to reserve seats for SCs and STs in educational institutions including technical, engineering, and medical institutions. Article 29 (1), states that some section of the citizens residing in the territory of India as well as any part thereof, having a separate language, script, or culture of its own shall have the right to conserve the same.

Social and Economic Empowerment: Article 25 gives a protected assurance and enables the States to administer on issues of social welfare and change; Article 38 guarantees that the capacity of the Republic is to secure lawful Justice as well as social, monetary, and political Justice too. Article 38(2) empowers the state to have a national arrangement on compensation and kill disparities in different circles and estimations of life. Article 46 accommodates the advancement of instructive and monetary interests of Scheduled Castes, Scheduled Tribes, and other Weaker Sections.

Political Safeguards: The Constitution of India provides a political safeguard to the weaker section of the people. It is one of the participated in the political system in the country. Article 164 (1) states that in specific states there shall be a minister in charge of tribal welfare who, however, is in charge of the welfare of SCs, STs, Backward Classes, and any other category. According to Article 330, it states the reservation of seats for SCs and STs in Lok Sabha.

Social Safeguards: Articles 21, 29, and 48A are concerned

about social and social strengthening. The STs are those deteriorating segments of Indian culture, which might practice their exceptional and particular social ways. The Tribals visit immobilized in view of the way that they live in hard-to-reach woodlands and uneven districts and are out of the standard streams of social life. Social gatherings ought to have measured up to access to the management given by the State and equivalent open doors ought to be accommodated for their upward financial and social transportability. The management of each nation ought to similarly assure that there ought not to be some type of domination of some segment of our public. In India, certain social gatherings, for example, the SCs, STs, OBCs, and Minorities have in the past been denied and defenseless for human rights. There are sure different gatherings that might be victimized and which experience the ill effects of impairments and the gatherings incorporate people with inabilities, more established people, road youngsters, poor people, and casualties of substance mishandling.

Conclusion:

This study has determined that constitutional provisions exist to safeguard and promote the interests of the weaker sections of society. In accordance with the Directive Principles of State Policy, social justice has been a key objective of development. Over the past six decades, numerous programs have been launched to improve the socio-economic status of Scheduled Castes and Scheduled Tribes. The vulnerability of the weaker sections is closely tied to their circumstances. The term “weaker sections” generally refers to segments of the population that are socially, economically, politically, and educationally disadvantaged compared to others. Due to this backwardness, they face various forms of deprivation and disabilities. A democratic ideal of justice must be grounded in the principles of equality, liberty, and governance by the people. However, giving these concepts precise and uniform content remains challenging. While democracy is based on the ideal of equality, no democratic state has seriously pursued absolute equality for all. This paper focuses on the Indian constitutional provisions for protecting the weaker sections in both rural and urban areas. The Constitution of India offers comprehensive safeguards for these groups, including economic safeguards, educational and cultural safeguards, social

and economic empowerment, political safeguards, and social safeguards.

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